

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 60-77 were canceled previously. Claims 78-104 are currently requested to be canceled. Claims 105-134 have been added. Thus, Claims 105-134 are pending in the present application.

I. Specification Objection

On page 2 of the Office Action, the specification was objected to for failing to provide proper antecedent basis for the claimed subject matter. While Applicant does not agree with the objection, Claims 78-104 have been cancelled rendering these rejections moot. As a result, Applicant respectfully requests withdrawal of the objection to the specification.

II. Rejection of Claims 78-104 Under 35 U.S.C. § 112, first paragraph

In section 3 of the Office Action, Claims 78-104 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. While Applicant does not agree with the rejection, Claims 78-104 have been cancelled rendering these rejections moot. As a result, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

III. Rejection of Claims 78-104 Under 35 U.S.C. § 102(b)

In Section 5 of the Office Action, Claims 78-104 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,607,375 to Lee (Lee). While Applicant does not agree with the rejection, Claims 78-104 have been cancelled rendering these rejections moot. As a result, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(b).

IV. Allowance of Added Claims 105-134

Applicant respectfully submits that new Claims 105-134 are allowable over the art cited by the Examiner. Lee fails to teach, suggest, or describe the elements of at least independent Claims 105, 110, 115, and 125.

Independent Claim 105, with emphasis added through underlining, recites in part:

a transmitter for simultaneously transmitting I and Q signals during a specified time interval, said I signal including a first spreading code sequence, of a first subset from a set of spreading code sequences, which is derived from said Gold code and said Q signal including a second spreading code sequence, of a second subset from the set of spreading code sequences, which is derived from said Gold code and different from said first spreading code sequence;

wherein at least one of said first and second subsets from the set of spreading code sequences includes more than one spreading code sequence and said set of spreading code sequences being selected from a plurality of subsets of said set of spreading code sequences associated with said transmitting apparatus.

Independent Claim 110, with emphasis added through underlining, recites in part:

transmitting I and Q signals during a specified time interval, said I signal including a first spreading code sequence, of a first subset from a set of spreading code sequences, which is derived from said Gold code and said Q signal including a second spreading code sequence, of a second subset from the set of spreading code sequences, which is derived from said Gold code and different from said first spreading code sequence;

wherein at least one of said first and second subsets from the set of spreading code sequences includes more than one spreading code sequence and said set of spreading code sequences being selected from a plurality of subsets of said set of spreading code sequences associated with said transmitting apparatus.

Independent Claim 115, with emphasis added through underlining, recites in part:

a transmitter for simultaneously transmitting an I signal and a Q signal during a specified time interval, said I signal including said Gold code sequence and a first subset of said set of almost orthogonal code sequences and said Q signal including said Gold code sequence and a second subset of said set of almost orthogonal code sequences not identical with said first subset, wherein at least one of said first and second subsets from the set of almost orthogonal code sequences includes more than one almost orthogonal code sequence.

Independent Claim 125, with emphasis added through underlining, recites in part:

simultaneously transmitting an I signal and a Q signal during a specified time interval, said I signal including said Gold code

sequence and a first subset of said set of almost orthogonal code sequences and said Q signal including said Gold code sequence and a second subset of said set of almost orthogonal code sequences not identical with said first subset, wherein at least one of said first and second subsets from the set of almost orthogonal code sequences includes more than one almost orthogonal code sequence.

Lee describes a covert communication system. (*See* Abstract). Lee states:

The digital information is coupled to a storage register 1 to act as a buffer. The digital information in storage register 1 is coupled to a translator 2 so that each information bit is translated to a portion of a PN sequence or the complement of a portion of the PN sequence depending upon whether the information bit is a "1" or a "0". For purposes of illustration, the PN sequence is provided by a PN code generator 3 whose rate is controlled by the code clock 4.

(Col. 7, lines 25-33; underlining added). Lee further states that the “PN generator can have a long-term repetitive cycle.” (Col. 5, lines 20-21). For example, according to Lee, a 48 stage shift register can be used to generate a one-year repetitive cycle. (*See* Col. 5, lines 20-55).

Lee further states:

The signal received on antenna 20 is coupled to an RF amplifier 21 and, hence, to a mixer 22 which has coupled thereto a frequency signal from frequency synthesizer 23 whose frequency output is under control of a frequency decision circuit 24 identical to the frequency decision circuit 15 of the transmitter of FIG. 3 which demodulates predetermined bits of the PN sequence produced by PN code generator 25 which is identical to the PN sequence produced by code generator 3 of the transmitter of FIG. 3.

(Col. 8, lines 31-40, with emphasis added through underlining). Lee still further states:

There is a necessity for synchronization between generator 3 and generator 25. This can be accomplished on a time of day basis, namely, setting the clocks 4 and 33 to the same rate and phase once a day or as many times a day as is necessary. This is sufficient to achieve the synchronization if the clocks 4 and 33 are very accurate clocks.

(Col. 9, lines 22-28). Thus, Lee describes PN code generators at a transmitter and at a receiver that generate a PN sequence using clocks 4 and 33 which are synchronized so that

the PN sequence at the transmitter and the PN sequence at the receiver are synchronized in order to properly modulate and demodulate the information bits. Lee, therefore, describes use of a single PN sequence with a duration of the sequence based on the number of stages of the shift register. The PN sequence is generated based on the synchronized clocks at the transmitter and the receiver.

Lee further describes:

One embodiment to enable transmission of such a wide band of frequency is illustrated in block diagram form in FIG. 8. The 166 MHz bandwidth is divided into eight 20.7 MHz sub-bands using eight carrier frequencies, namely, 200 MHz, 400 MHz, 600 MHz, 800 MHz, 1 GHz, 1.2 GHz, 1.4 GHz and 1.6 GHz to carry these eight sub-bands, one for each carrier. The implementation of such an arrangement actually consists of eight single spread spectrum or convert communication systems as disclosed with respect to FIGS. 3 and 5 where the eight transmitters have the configuration illustrated in FIG. 3 and the receiver portions 64-71 are identical to the receiver portion 72' of FIG. 5. The 2.4 Kbps bit stream is divided into eight sections with each section being coupled to a different one of the transmitters 56-63.

(Col. 10, lines 47-62; underlining added). Again, Lee describes use of a single PN sequence for each transmitter and receiver with each transmitter/receiver allocated a different frequency sub-band. However, Lee fails to teach, suggest, or describe at least “wherein at least one of said first and second subsets from the set of spreading code sequences includes more than one spreading code sequence and said set of spreading code sequences being selected from a plurality of subsets of said set of spreading code sequences associated with said transmitting apparatus” as recited in 105, 110, 115, and 125.

Therefore, Lee fails to teach, suggest, or describe all of the elements of at least independent Claims 105, 110, 115, and 125. An anticipation rejection cannot be properly maintained where the reference does not disclose all of the recited claim elements. The remaining claims depend from one of Claims 105, 110, 115, and 125. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 105-134.

Applicant believes that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

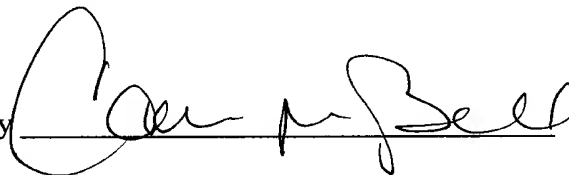
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date January 23, 2009

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By

A handwritten signature in black ink, appearing to read 'Callie M. Bell', written over a horizontal line.

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